

**ELEVENTH DAY.**

Senate Chamber,  
Austin, Texas, Sept. 10, 1932.

The Senate met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
Gainer.	Pollard.
Hardin.	Purl.
Holbrook.	Rawlings.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodward.
Oneal.	

**Absent—Excused.**

DeBerry.	Russek.
Greer.	Woodul.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

**Committee Reports.**

(See Appendix.)

**Bills and Resolutions.**

By Senator Neal:

S. B. No. 39, A bill to be entitled "An Act creating the Special District Court of Rusk and Gregg Counties, Texas, prescribing its jurisdiction, limiting its existence, fixing its terms; providing for the appointment of a judge thereof, fixing his compensation, making an appropriation therefor, prescribing his powers and duties, providing for the transfer of cases from the 4th Judicial District of Rusk County and from the 124th Judicial District of Gregg County; and from the Special District Court to the 4th Judicial District of Rusk County and the 124th Judicial District of Gregg County; providing for the District Clerks of Rusk and of Gregg Counties and their successors in office, to be the clerks for said special district court

in their respective counties; providing that the District Attorney of the District Court of Rusk County and the District Attorney of Gregg County, shall represent the State in said special district court in their respective counties, without extra compensation from said special district court in their respective counties; providing a seal for said special district court; providing that if any section of this Act be held unconstitutional or invalid for any reason, the same shall not impair or affect the remaining sections or provisions and declaring an emergency."

Read and referred to Committee on Judicial Districts.

By Senator Purl:

S. B. No. 40, A bill to be entitled "An Act providing that warrants drawn on the State Treasurer, if presented for payment and not paid, shall automatically bear interest until called for payment at the rate of four per cent (4%) per annum; and declaring an emergency."

Read and referred to Committee on State Affairs.

**Senators Excused.**

The following Senators were excused for the day:

Senator DeBerry, illness, on motion of Senator Hardin.

Senator Woodul, important business, on motion of Senator Thomason.

Senator Russek, important business, on motion of Senator Holbrook.

**Senate Simple Resolution No. 14.**

Senator Woodruff sent up the following resolution:

Whereas, numerous complaints by land owners and other holders of vested rights in the Counties of Upshur, Smith, Rusk and Gregg Counties in this State, have been made that certain persons, associations, and corporations have wrongfully and unlawfully taken oil from the fields of said counties without properly compensating the owners of it and without payment of the statutory gross production tax thereon, and

Whereas, further reports of flagrant and wholesale violation of the conservation statutes of this State

have been made to the President of the Senate.

Therefore, Be it Resolved that the Committee on State Affairs of the Senate, be and its is hereby instructed to hold open hearings on said complaints and concerning said conditions, such committee to listen to the statements of such persons as voluntarily appear before such committee and to report to the Senate its recommendations on said hearings, its recommendations, if any, to the Legislature for future actions concerning such matters.

WOODRUFF.

Read and adopted.

S. C. R. No. 8.

Senator Williamson sent up the following resolution:

"Whereas, The State of Texas is an empire within itself, vast in its area, unparalleled in the glory of its heroic deeds and chivalric history, unrivaled in the splendid progress and achievements of its brilliant past, unmatched in the marvelous opportunities of its inspiring present, and unlimited in the resources and possibilities it has in store for its citizens ever in the future; and

"Whereas, It is incumbent upon the people of this State to pause at frequently-recurring intervals to take inventory of their countless blessings bestowed upon them by a loving and bountiful Heavenly Father and render unto Him due thanks for His care and keeping, and, at the same time, reconsecrate their lives as loyal and faithful citizens, as a grateful people should do; and

"Whereas, No time or season has as yet been specifically appointed for the citizens of this State to recall and extoll the unselfish services of our heroes, to review our glorious history and splendid achievements of the past, to sum up our present opportunities which are offered in such abundance by this Lone Star State, and to visualize the rare possibilities that are in store for our most auspicious future; therefore be it resolved that the Senate of Texas, the House of Representatives concurring therein, does here and now approve this resolution and set apart annually the entire week in which March the Second comes as a season to be known as Texas Week; and by this action of the Legislature His

Excellency, the Governor of Texas, is hereby vested with the power and is besought to issue and to publish annually his proclamation outlining the purpose and the spirit of Texas Week and urging every citizen of this State to exalt and extol the highest and the best cultural and spiritual values of Texas throughout Texas Week; and be it further

"Resolved, That it is now and ever shall be in direct violation of the purpose and spirit of Texas Week to observe it as a season of holidays; and the Legislature of the State of Texas does affirm that, under no condition, is Texas Week to be looked upon as a week of holidays; but on the other hand and quite to the contrary, it is hereby alleged that during Texas Week every citizen of this State is encouraged to work, insofar as he is able, and to do his work a bit better than he does it during other weeks of the year; and be it further

"Resolved, That the Legislature by this resolution does urge His Excellency, the Governor of Texas, to suggest to the citizens of this State in his annual proclamations time such other forms of observance that he may deem wise, insofar as his suggestions do not conflict with the purpose and spirit of Texas that they observe the following forms of activity, and from time to time as outlined in this resolution:

"First, it is enjoined that every home; every office, place of business and industry; every school, parochial, private, or public; every college and university; and all institutions of whatever class or character, educational or eleemosynary, be requested through this resolution and the annual proclamations of the Governor of Texas to hoist a Texas Flag from some prominent point of vantage and let it be unfurled each day during Texas Week; and

"Second, it is now and ever shall be expected that all teachers and pupils in every school of whatever class or classification shall observe Texas Week appropriately in general assemblies, in classes, clubs, and in any and all other groups as they may be assembled for school work; that schools be encouraged to assemble exhibits of Texas products, pictures, relics, books, and documents, and hang in permanent places pictures of famous heroes of

Texas; that schools which are in reach of battlefields, missions, and other places of historical interest and importance are hereby encouraged to make patriotic pilgrimages to such places of fame during Texas Week; but it is understood that no school is to celebrate Texas Week as a season of holidays. On the other hand, better work shall be expected of all schools throughout Texas Week; and

"Third, it is enjoined upon commerce and industry; professional life and activity; civic activity; and every other kind of occupational pursuit, in which Texas citizens may be engaged, that they recognize and observe Texas Week in a fitting manner. To this end it is recommended that courts in session; luncheon clubs; women's organizations; churches; conventions; lodges; the Legislature when in session; all departments of government, city, county, and State; and any and every other group of citizens for whatever purpose they may be assembled, be urged now and ever in the future to observe Texas Week appropriately by rendering programs in keeping with the purpose and spirit of this occasion as set forth in this resolution; and

"Fourth, that every citizen, old or young, within the borders of this great State be urged now and ever in the future, by this act of the Legislature and in accordance with the proclamation of the Governor of Texas issued and published annually to be seen and read by all citizens of Texas, to exalt and extol the cultural and spiritual values which we cherish so fondly; the blessed and romantic traditions of our glorious history; the high standards and lofty ideas of statesmanship, of scholarship, of leadership, of character, and of service which our forefathers gave to us as our rare and rich heritage, and to give thanks for this marvelous inheritance as we faithfully and conscientiously observe Texas Week."

WILLIAMSON.

Read and adopted.

Senate Bill No. 27.

The Chair laid before the Senate as special order the following bill:

By Senator Small:

S. B. No. 27, A bill to be entitled

"An Act requiring the Land Commissioner to ascertain and determine the amounts of bonus and rental money due the State and by whom due under the operation, terms and conditions of Chapter 81, printed Acts of the Second Called Session of the Thirty-sixth Legislature and the amendment thereof by the First Called Session of the Thirty-seventh Legislature, which Acts are generally referred to as the Relinquishment Act, authorizing the Land Commissioner to settle and compromise such debts with the debtors on the basis of actual amounts found due less all just and lawful credits; providing the terms and conditions by which the debtor to the State shall pay the amount found by the Land Commissioner to be due, or that may be determined to be due by the judgment of a court; providing that the finding of the Land Commissioner shall be final against the debtor when accepted by him; providing for the making of a statement in writing by the Land Commissioner to the Attorney General of the facts found by him in each case; authorizing the Attorney General to bring suit for the collection of the amount found to be due the State and when in the judgment of the Attorney General the State is entitled to a larger amount than that found by the Land Commissioner, to sue for such larger amount, fixing the venue of all suits for the recovery of bonus and rental money due the State; providing that no suit may be maintained by the State for the collection of any bonus or rental money except as in this Act provided, and that suit may not be maintained for a larger amount than that found to be due by the Land Commissioner after one year from the date of the Land Commissioner's written statement to the Attorney General, and that no suit for the collection of such debts may be maintained unless instituted within two years from the date this Act becomes effective; providing that the terms and provisions of this Act shall not apply to any indebtedness due the State for bonus or rental money under the Relinquishment Act which has accrued or may accrue subsequent to the 24th day of February, 1932; and that nothing in this Act shall be construed to affect or change the existing rights and obli-

gations between the land owners and lessees as to such accrued indebtedness; the finding of certain facts by the Legislature; defining the terms used in this Act; providing that if any portion of this Act ever be held to be unconstitutional such holding shall not affect the remaining portions of this Act; and declaring an emergency."

Read second time.

Senator Moore sent up the following amendments:

Amend S. B. No. 27, Section 1, line 13, as printed in the Journal, as follows:

By adding after the word corporations the following:

"Their heirs, assigns and successors."

MOORE,

Read and adopted.

Amend S. B. No. 27, Section 1, line 24 of the Bill as printed in the Journal by adding after the word "land" the following:

"Their heirs, assigns and successors."

MOORE.

Read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 27 was put on it third reading and final passage, by the following vote:

Yeas—26.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
Hardin.	Purl.
Holbrook.	Rawlings.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.	Pollard.
Gainer.	Russek.
Greer.	

Read third time and finally passed by the following vote:

Yeas—18.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Rawlings.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Moore.	Williamson.
Neal.	Woodruff.
Parr.	Woodward.

Nays—2.

Hornsby. Oneal.

Absent.

Cunningham.	Martin.
Loy.	Pollard.

Absent—Excused.

DeBerry.	Russek.
Greer.	

(Pairs Recorded.)

Senator Poage (present) who would vote nay, with Senator Woodul (absent) who would vote yea.

Senator Purl (present) who would vote nay, with Senator Gainer (absent) who would vote yea.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 3.  
H. B. No. 71.

Senate Bill No. 22.

The Chair laid before the Senate as special order the following bill:

By Senator Greer:

S. B. No. 22, A bill to be entitled "An Act to authorize the State Department of Education to pay out of the Rural Aid Appropriation for the school year of 1932-33 an amount not to exceed fifty thousand dollars for the payment of unpaid claims for the school year of 1931-32 out of the rural aid appropriation as provided in S. B. No. 263, Forty-second Legislature, Regular Session and providing for the reverting of any unused portion of said sum to the appropriation for the school year of 1932-33; repealing all laws in con-

fillet herewith and declaring an emergency."

The bill was passed to engrossment.

On motion of Senator Thomason the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 22 was put on its third reading and final passage, by the following vote:

**Yeas—26.**

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
Hardin.	Purl.
Holbrook.	Rawlings.
Hopkins.	Small.
Hornaby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

**Absent—Excused.**

DeBerry.	Pollard.
Gainer.	Russek.
Greer.	

Read third time and finally passed by the following vote:

**Yeas—24.**

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
Gainer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Loy.	Stevenson.
Moore.	Thomason.
Neal.	Williamson.
Oneal.	Woodruff.
Parr.	Woodward.

**Nays—2.**

Hornaby.	Martin.
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**Absent.**

Hopkins.

**Absent—Excused.**

DeBerry.	Russek.
Greer.	Woodul.

**Senate Bill No. 25.**

The Chair laid before the Senate on its second reading the following bill:

By Senators Parrish and Parr:

S. B. No. 25. A bill to be entitled "An Act amending Article 5326, Revised Civil Statutes, providing that the failure to pay any portion of the interest on the unpaid purchase money of lands sold by the State shall subject the sale of said land to forfeiture; providing where such sale is forfeited for the resale of said land, the terms and conditions of such resale, and giving a preference right to the person owning the land at the time the sale was forfeited to repurchase the same within one year after the date of forfeiture, for an amount equal to the sale price that was forfeited plus all accrued interest; providing that where the forfeited sale was on a mineral classification that the resale shall reserve to the State and to the fund to which the land belongs a one-sixteenth free royalty interest in all minerals in the land, and declaring an emergency."

Read second time.

On motion of Senator Small, the bill was laid on the table subject to call.

**Senate Bill No. 26.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Small:

S. B. No. 26, A bill to be entitled "An Act confirming and validating repurchases of public free school and asylum lands by forfeited land owners heretofore made under Chapter 94, page 267, Acts of 1925, and Chapter 25, page 43, Acts of First Called Session of the Thirty-ninth Legislature of 1926; defining the rights of the State and the repurchasing land owners in respect to the ownership of the oil and gas and other minerals therein; and providing that oil and gas leases heretofore or hereafter executed by the repurchasing land owners on any lands repurchased under said Acts with a one-sixteenth reservation of oil and gas in favor of the State shall be validated and that the lessee under such leases shall pay to the State a free royalty equal to one-sixteenth of the value of the oil and gas that may be produced and saved from said lands and that no further liability, obligation or payment shall be due to the State from

the repurchasing land owners or their lessees or assignees on account of the State's one-sixteenth interest in the oil and gas; and providing how such royalty payments shall be made; and further providing that where the prior forfeiture sales were made without mineral reservation, the repurchase contracts made under said Repurchase 2 Acts shall be deemed to have been made without mineral reservation in favor of the State; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 26 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
Gainer.	Pollard.
Hardin.	Purl.
Holbrook.	Rawlings.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodward.
Oneal.	

Absent—Excused.

DeBerry.	Russek.
Greer.	Woodul.

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Poage.
Hardin.	Pollard.
Holbrook.	Rawlings.
Hopkins.	Small.
✓ Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodward.

Nays—1.

Purl.

Absent—Excused.

DeBerry.	Russek.
Greer.	Woodul.

S. C. R. No. 1.

Senator Stevenson called up from the table:

S. C. R. No. 1, Relating to sine die adjournment.

On motion of Senator Stevenson the resolution was laid on the table subject to call.

Senate Bill No. 25.

Senator Small called up from the table S. B. No. 25.

Senator Small sent up the following amendment:

Amend S. B. No. 25 by striking out, immediately after the words "forfeited sale," in the 29th line on the 106th page of the bill as printed in the Journal, this language:

"except where the forfeited sale was made with specific mineral classification, the State shall reserve in a resale of said land, whether to the forfeited owner or another, a one-sixteenth free royalty in all minerals in the land."

And substitute, in lieu thereof, the following:

"and without mineral reservation except where the forfeited sale was made upon a specific mineral classification. If the forfeited sale was made on specific mineral classification, then the State shall reserve, in a resale of said land, whether to the forfeited owner or another, the same royalty as in the original sale upon which forfeiture was made."

SMALL.

Read and adopted.

The bill as amended was passed to engrossment.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 25 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Hopkins.
Berkeley.	Hornsby.
Cousins.	Loy.
Cunningham.	Martin.
Gainer.	Moore.
Hardin.	Neal.
Holbrook.	Oneal.

Parr.	Small.
Parrish.	Stevenson.
Patton.	Thomason.
Poage.	Williamson.
Pollard.	Woodruff.
Purl.	Woodward.
Rawlings.	

**Absent—Excused.**

DeBerry.	Russek.
Greer.	Woodul.

Read third time and finally passed by the following vote:

**Yeas—27.**

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
Gainer.	Pollard.
Hardin.	Purl.
Holbrook.	Rawlings.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodward.
Oneal.	

**Absent—Excused.**

DeBerry.	Russek.
Greer.	Woodul.

**House Bill No. 2.**

The Chair laid before the Senate by unanimous consent the following bill:

By Mr. Brooks, Mr. Reader, Mr. Lilley, Mr. Davis, Mr. Wiggs, Mr. Towery, Mr. Farmer, Mr. Giles, Mr. Hines, Mr. Bryant, Mr. Dowell, Mr. Stephens, Mr. Daniel, Mr. Cunningham, Mr. Adamson, Mr. Hopkins, Mr. Murphy, Mr. Olson, Mr. Richardson, Mr. Fisher, Mr. Turner, Mr. Adkins, Mr. Ray, Mr. Engelhard, Mr. Cox, Mr. Donnell, Mr. Scott, Mr. Carpenter, Mr. Hanson, Mr. Weinert, Mr. Magee, Mr. Gilbert, Mr. Sherrill, Mr. Laird, Mr. Ramsey, Mr. Johnson of Dallam, Mr. Graves, Mr. Bond, Mr. Wyatt, Mr. Smith, Mr. Sparkman, Mr. Ferguson, Mr. Rogers, Mr. Dunlap, Mr. Kennedy, Mr. Jones, Mr. Boyd, Mr. Baker, Mr. Smith of Bastrop, Mr. Herzik, Mr. Finn, Mr. Holder, Mrs. Strong, Mr. Aikin, Mr. Brice, Mr. Adams of Jasper, Mr. Fuchs, Mr. West of Coryell, Mr. Terrell of Cherokee, Mr. Coltrin, Mr.

Lee, Mr. Cox of Lamar, Mr. Terrell of Val Verde, Mr. Adams of Harris, Mrs. Moore, Mr. Burns of Walker, Mr. Young, Mr. Dodd, Mr. Hardy, Mr. Hefley, Mr. Dale, Mr. Kayton, Mr. Vaughan and Mr. Justiss:

H. B. No. 2, A bill to be entitled "An Act providing for the allocation of the occupation taxes levied and collected under Chapter 88, Acts of the Second Called Session, Forty-first Legislature, and Chapter 98, Acts of the Regular Session, Forty-second Legislature; providing the manner of distribution; providing that such moneys that are transferred to the counties shall be taken into consideration in fixing the tax rate of such counties; making an appropriation of the sum of six million dollars or so much thereof as may be necessary out of the State Highway, etc."

On motion of Senator Small, the rule requiring committee reports to lie over one day was suspended and the committee report that the bill be not printed was adopted by the following vote:

**Yeas—19.**

Beck.	Oneal.
Berkeley.	Parr.
DeBerry.	Poage.
Hardin.	Purl.
Holbrook.	Rawlings.
Hornsby.	Small.
Loy.	Stevenson.
Martin.	Woodruff.
Moore.	Woodward.
Neal.	

**Nays—7.**

Cunningham.	Patton.
Gainer.	Thomason.
Hopkins.	Williamson.
Parrish.	

**Absent.**

Cousins.	Pollard.
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**Absent—Excused.**

Greer.	Woodul.
Russek.	

**Message From the House.**

Hall of the House of Representatives,  
Austin, Texas, Sept. 10, 1932.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 13, Relative to members of the Legislature attending the State Democratic Convention in Lubbock, Texas.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Message From the Governor.

Executive Department.  
Austin, Texas, Sept. 10, 1932.  
To the Senate of the Forty-second Legislature:

I have appointed, subject to your confirmation, Hon. John F. Sturgeon of Gray County as District Attorney for the 31st Judicial District of Texas, to succeed Hon. Raymond Allred, resigned.

Very truly yours,  
(Signed) R. S. STERLING,  
Governor of Texas.

Read and referred to the Committee on Governor's Nominations.

#### Executive Session.

On motion of Senator Small, the Senate voted to go into executive session at 12:06 o'clock p. m.

At 12:06 o'clock p. m., the Chamber was cleared and the doors were locked.

#### After Executive Session.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

The Senate advised, consented to and confirmed the following nominations recently submitted in the Governor's message to the Senate:

To be District Attorney for the 31st Judicial District of Texas:

Hon. John F. Sturgeon of Gray County, to succeed Hon. Raymond Allred, resigned.

To be a Member of the Board of Dental Examiners:

Dr. Ed. Taylor of Greenville, to serve the unexpired term of Dr. Hearne, deceased.

To be a Member of the Board of Directors of Texas Technological College:

Hon. R. A. Stuart of Fort Worth, to serve the unexpired term of Mrs. F. N. Drane, deceased.

To be Judge of the 32nd Judicial District of Texas:

Hon. A. S. Mauzey of Sweetwater.  
To be State Auditor and Efficiency Expert for the next ensuing Statutory term of office:

Hon. Moore Lynn.

To be State Banking Commissioner for the next ensuing statutory term of office:

Hon. James Shaw.

To be Members of the State Game, Fish and Oyster Commission for the next ensuing statutory terms of office:

Hon. Caesar Kleberg.

Hon. Gus F. Schreiner.

#### H. C. R. No. 13.

The Chair laid before the Senate:

H. C. R. No. 13, Relative to the Legislature's attending the Convention at Lubbock.

The resolution was read.

Senator Woodruff moved the previous question. The motion failed to receive the proper seconding.

#### Recess.

Senator Moore moved to recess until 2:30 o'clock p. m.

Senator Parrish moved to recess until 4 o'clock p. m.

The motion was lost.

The motion to recess until 2:30 prevailed and at 12:55 o'clock p. m. the Senate recessed.

#### After Recess.

The Senate met at 2:30 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

#### Senate Bill No. 2.

The question recurred upon the Committee Amendments to H. B. No. 2.

Committee Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 were adopted.

Read second time.

Senator Poage sent up the following amendments to be considered together:

Amend H. B. No. 2, Section 4, page 5, line 27, by striking out the words "except the acquisition of rights-of-way which may be furnished by the counties and subdivisions and defined road district" and inserting in line 27 of said Section 4 immediately after the word "system" and before the word



"shall" the following: "including procurement of right-of-way."

POAGE,  
LOY,  
PURL,  
HORNSBY,  
PATTON,  
STEVENSON,  
HOLBROOK,  
HARDIN,  
HOPKINS,  
GAINER,  
NEAL,  
WOODRUFF,  
PARRISH,  
CUNNINGHAM,  
RAWLINGS,

The amendment was read.

Amend H. B. No. 2, Section 6, subdivision (a), page 8, line 18, by inserting after the word "construction" and before the words "of roads" the following "including procurement of right-of-way."

POAGE,  
LOY,  
HORNSBY,  
PURL,  
PATTON,  
STEVENSON,  
HOLBROOK,  
HARDIN,  
HOPKINS,  
GAINER,  
NEAL,  
WOODRUFF,  
PARRISH,  
CUNNINGHAM,  
RAWLINGS.

The amendment was read.

On motion of Senator Woodward, the previous question was ordered on the further consideration of the amendments.

Senator DeBerry moved to reconsider the vote by which the previous question was ordered. The motion prevailed by the following vote:

Yeas—13.

Cousins.	Oneal.
DeBerry.	Poage.
Hardin.	Purl.
Hopkins.	Small.
Martin.	Stevenson.
Moore.	Thomason.
Neal.	

Nays—11.

Berkeley.	Holbrook.
Cunningham.	Hornsby.
Gainer.	Loy.

Parr.  
Patton.  
Rawlings.

Woodruff.  
Woodward.

Absent.

Beck.  
Parrish.

Williamson.

Absent—Excused.

Greer.  
Pollard.

Russek.  
Woodul.

The previous question on the amendments was ordered.

The first amendment was adopted.  
The second amendment was adopted.

Senator Poage sent up the following amendment:

Amend H. B. No. 2, Section 4, page 6, line 5, by adding after the words "road district" the following: "But it is expressly provided that all unsold bonds, warrants, and other securities now held by the State Highway Department by reason of any existing contract with any county and/or defined road district shall be promptly returned to such county and/or defined road district for cancellation."

POAGE,  
LOY.

The amendment was read and lost by the following vote:

Yeas—11.

Cunningham.	Neal.
Gainer.	Patton.
Hardin.	Poage.
Hopkins.	Purl.
Loy.	Thomason.
Moore.	

Nays—13.

Berkeley.	Parr.
Cousins.	Rawlings.
DeBerry.	Small.
Holbrook.	Stevenson.
Hornsby.	Woodruff.
Martin.	Woodward.
Oneal.	

Absent.

Beck.

Parrish.

Absent—Excused.

Greer.  
Pollard.  
Russek.

Williamson.  
Woodul.

The bill as amended was passed to engrossment.

On motion of Senator Small, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 2 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Hardin.	Purl.
Holbrook.	Rawlings.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodward.

Absent—Excused.

Greer.	Woodul.
Russek.	

Read third time and passed finally by the following vote:

Yeas—28.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Hardin.	Purl.
Holbrook.	Rawlings.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodward.

Absent—Excused.

Greer.	Woodul.
Russek.	

#### House Bill No. 50.

The Chair laid before the Senate by unanimous consent the following bill:

By Mr. Pope:

H. B. No. 50, A bill to be entitled "An Act to amend Chapter 314, Acts Forty-second Legislature, 1932, being House Bill No. 981 (Art. 1118a, Vernon Sayles' Revised Civil Statutes, 1925, 1932 Supplement), by

adding thereto Section 2a, providing that the requirements of House Bill 312, Acts Forty-second Legislature, 1931, Chapter 163, with reference to notice, competitive bids, and the right to referendum shall not apply to cities and towns acting under authority of this act until after June 1, 1933, instead of after June 1, 1932, as provided in House Bill No. 312, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 50 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
Gainer.	Pollard.
Hardin.	Purl.
Holbrook.	Rawlings.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Moore.	Williamson.
Neal.	Woodruff.
Oneal.	Woodward.

Nays—2.

DeBerry.	Martin.
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Absent—Excused.

Greer.	Woodul.
Russek.	

Read third time and finally passed by the following vote:

Yeas—21.

Beck.	Parr.
Berkeley.	Patton.
Gainer.	Poage.
Hardin.	Purl.
Holbrook.	Rawlings.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodward.
Oneal.	

## Nays—4.

Cousins. Loy.  
DeBerry. Small.

## Absent.

Cunningham. Pollard.  
Parrish.

## Absent—Excused.

Greer. Woodul.  
Russek.

## H. C. R. No. 13.

Senator DeBerry moved to take up H. C. R. No. 13.

## Adjournment.

Senator Moore moved to adjourn until 10 o'clock Monday morning. The motion prevailed by the following vote:

## Yeas—16.

Beck. Parr.  
Cousins. Patton.  
DeBerry. Poage.  
Gainer. Rawlings.  
Hardin. Small.  
Martin. Thomason.  
Moore. Woodruff.  
Neal. Woodward.

## Nays—8.

Berkeley. Loy.  
Holbrook. Oneal.  
Hopkins. Purl.  
Hornshy. Stevenson.

## Present—Not Voting.

Cunningham.

## Absent.

Parrish.

## Absent—Excused.

Greer. Williamson.  
Pollard. Woodul.  
Russek.

At 3:56 o'clock p. m., the Senate adjourned.

## APPENDIX.

## Committee on Enrolled Bills.

Committee Room,  
Austin, Texas, Sept. 9, 1932.  
Hon. Edgar E. Witt, President of the Senate.  
Sir: We, your Committee on En-

rolled Bills, have had S. B. No. 3 carefully examined and compared and find the same correctly enrolled.

HOPKINS, Vice-Chairman.

## Committee on Engrossed Bills.

Committee Room,  
Austin, Texas, Sept. 10, 1932.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, Your Committee on Engrossed Bills, have had S. B. No. 26 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,  
Austin, Texas, Sept. 10, 1932.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 25 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,  
Austin, Texas, Sept. 10, 1932.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 27 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,  
Austin, Texas, Sept. 10, 1932.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 34 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,  
Austin, Texas, Sept. 10, 1932.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 36 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,  
Austin, Texas, Sept. 10, 1932.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 30 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,  
Austin, Texas, Sept. 10, 1932.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 32 carefully examined and compared and find same correctly engrossed.  
HARDIN, Chairman.

Austin, Texas, Sept. 10, 1932.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 9 carefully examined and compared and find same correctly engrossed.  
HARDIN, Chairman.

Committee Room,  
Austin, Texas, Sept. 10, 1932.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 22 carefully examined and compared and find same correctly engrossed.  
HARDIN, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, Sept. 10, 1932.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 39, A bill to be entitled "An Act creating the Special District Court of Rusk and Gregg Counties, Texas, prescribing its jurisdictions, limiting its existence, fixing its terms; providing for the appointment of a judge thereof, fixing his compensation, making an appropriation therefor, prescribing his powers and duties, providing for the transfer of cases from the 4th Judicial District of Rusk County and from the 124th Judicial District of Gregg County; and from the Special District Court to the 4th Judicial District of Rusk County and the 124th Judicial District of Gregg County; providing for the District Clerks of Rusk and Gregg Counties and their successors in office to be the clerks of said special district court in their respective counties; providing that the District Attorney of the District Court of Rusk County and the District Attorney of Gregg County shall represent the State in said special district court in their respective

counties, without extra compensation from said special district court in their respective counties; providing a seal for said special district court; providing that if any section of this Act be held unconstitutional or invalid for any reason, the same shall not impair or affect the remaining sections or provisions, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PATTON, Chairman.

Committee Room,  
Austin, Texas, Sept. 10, 1932.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 53, A bill to be entitled "An Act to amend Chapter 137 of the Special Laws of Texas, Regular Session of the 42nd Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,  
Austin, Texas, Sept. 10, 1932.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 30, A bill to be entitled "An Act making an emergency appropriation out of the Sand, Shell and Gravel Fund of this State to pay certain refunds of the Tax collected by the Game, Fish and Oyster Commission on shell used by the City of Texas City for constructing streets and roads and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,  
Austin, Texas, Sept. 10, 1932.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 38, A bill to be entitled

"An Act to prohibit the use of steel traps or any other mechanical device for the taking of fur-bearing animals in certain counties, providing a penalty and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,  
Austin, Texas, Sept. 10, 1932.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 50, A bill to be entitled "An Act to amend Chapter 314, Acts Forty-second Legislature, 1931, being H. B. No. 981, (Art. 1118a, Vernon's Sayles Revised Civil Statutes, 1925, 1932 Supplement) by adding thereto Section 2a, providing that the requirements of H. B. No. 312, Acts Forty second Legislature, 1931, Chapter 163, with reference to notice, competitive bids, and the right to referendum shall not apply to cities and towns acting under authority of this Act until after June 1, 1933, instead of after June 1, 1932, as provided in H. B. No. 312, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,  
Austin, Texas, Sept, 9, 1932.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 2, A bill to be entitled "An Act to amend Sections Four (4) and Five (5) of S. B. No. 74, Chapter 186, of the General Laws of the Regular Session of the Thirty-ninth Legislature, and repealing Sections Three (3), Six (6), and Seven (7) of S. B. No. 74, of Chapter 186 of the General Laws of the Regular Session of the Thirty-ninth Legislature, etc., etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be not printed.

WILLIAMSON, Chairman.

Committee Amendment No. 1.

Amend the caption to H. B. No. 2 by adding after the date "September 1, 1933" in line 12, page 2 of the original bill, the following:

"and providing for an appropriation of all moneys deposited in, and remaining to the credit of, said fund with the State Treasurer on September 1st, 1933, and all moneys deposited to the credit thereof up to December 31st, 1933, for the payment of principal and interest on eligible obligations therein defined maturing from September 1st, 1933, to December 31st, 1933."

Committee Amendment No. 2.

Amend H. B. No. 2 by adding after the word "same" in line 6, subparagraph (h), page 13 of the original bill, the following:

"and said Board shall also ascertain and determine the sum necessary to pay the interest and principal maturing from September 1st, 1933, to December 31st, 1933, on all eligible obligations as defined in this Act, and shall estimate the sum which shall be applicable to same."

Committee Amendment No. 3.

Amend H. B. No. 2, subsection (j), page 17 of the original bill by adding, after the first sentence of said subsection (j), the following:

"All moneys remaining in said fund after the payment of all eligible obligations maturing from January 1st, 1933, to September 1st, 1933, and all moneys deposited to the credit of said fund from September 1st, 1933, to December 31st, 1933, are hereby appropriated to the payment of principal and interest on all eligible obligations as herein defined maturing from September 1st, 1933, to December 31st, 1933."

Committee Amendment No. 4.

Amend H. B. No. 2, Section 8 of the original bill, by striking out the last sentence of said section in its entirety, and by adding in lieu thereof the following:

"It is the intention of this Act to make two (2) several, separate, and distinct appropriations of funds from the County Road District Highway Funds, each of which will be entirely independent of the other. First, an appropriation, as hereinbefore made, to pay the principal and interest on all eligible obligations maturing from January 1st, 1933, to August 31st, 1933, the end of the current statutory fiscal year. Second, an appropriation, as hereinbefore made, to pay the principal and interest on all eligible obligations maturing on and from September 1st, 1933, to December 31st, 1933. No part of said County Road District Highway Fund shall be used after December 31st, 1933, unless the Legislature shall hereafter make a specific appropriation in accordance with the provisions of Section 6, Article 8 of the Constitution, it being the legislative intent to confine the appropriation for use within the Constitutional limit of two (2) years. If either one of the two appropriations herein made should be held to be invalid, nevertheless the other appropriation will be administered as herein provided."

Committee Amendment No. 5.

Amend H. B. No. 2, sub-paragraph (a), line 5, page 9 of the original bill by striking out, after the word "funds," the following: "now accumulated for the payment of said eligible obligations in the respective counties and defined road districts," and insert in lieu thereof the following: "which, under existing laws and the provisions of the Statutes and orders of the Commissioners Courts authorizing the issuance of said obligations and the tax levy authorized at the time of the issuance of, and during the time such obligations have run, were required to have accumulated in such funds of the respective counties and defined road districts regardless of whether the full amount of said funds are actually on hand and to the credit of the sinking funds of the several counties and defined road districts."

"It being expressly provided in this connection that the term 'sinking funds' shall include only those funds accumulated under and required to be accumulated under now existing laws for the retirement of 'sinking fund' or 'term bonds'; and

shall not include any excess or surplus which may have been accumulated by any County or Road District in excess of the existing legal requirements, nor shall said term include any funds accumulated by any County or Road District for the purpose of retiring any serial bond or bonds."

Committee Amendment No. 6.

Amend H. B. No. 2, page 11, line 3 of the original bill by inserting, after the word "obligations," the following: "and the amount of sinking funds which, under existing laws and the provisions of the Statutes and orders of the Commissioners Court, authorizing the issuance of said obligations, and the tax levy authorized at the time of the issuance of, and during the time such obligations have run, were required to have accumulated in such funds of the respective counties and defined road districts, regardless of whether the full amount of said funds are actually on hand, and to the credit of the sinking funds of the counties and defined road districts."

Committee Amendment No. 7.

Amend H. B. No. 2, paragraph (c), page 10, the fourth line from the bottom of the page, of the original bill, by striking out the words "time of the effective date of this Act," and insert in lieu thereof "as of date January 1st, 1933;" and on the second line from the bottom of page 10 by striking out the words "matured at the effective date of this Act," and insert in lieu thereof the following: "which will mature after January 1st, 1933."

Committee Amendment No. 8.

Amend H. B. No. 2, pages 18 and 19 of the original bill, by striking out all of Section 7.

Committee Amendment No. 9.

Amend H. B. No. 2, pages 6, 7 and 8 of the original bill, by striking out the last four lines on page 6, all of page 7, and the first twelve lines on page 8, and insert in lieu thereof the following:

"Section 6. The Comptroller of Public Accounts, after computing and ascertaining the maximum

amount of refunds that may be due by the State on sale of gasoline, as provided in Section 17, Chapter 88, Acts of the Second Called Session of the Forty-first Legislature, as amended by the General Laws, Chapter 104, Acts of the Regular Session of the Forty-second Legislature, shall deduct same from the total occupation or excise taxes paid on the sale of gasoline each month, as imposed by Section 17, Chapter 88 of the General Laws of the Acts of the Regular Session of the Forty-second Legislature; and on and after October 1st, 1932, shall, after deducting the said maximum amount of refunds, allocate and place the remainder of said occupation or excise taxes on the business of selling gasoline, in the State Treasury immediately upon the collection of same, in the proportion as follows: One-fourth (1-4) of such occupation or excise taxes shall go to, and be placed to the credit of, the Available Free School Fund; one-fourth (1-4) of same shall go to, and be placed to the credit of, a fund to be known as the County and Road District Highway Fund; the remainder of such occupation or excise taxes shall go to, and be placed to the credit of, the State Highway Fund, for the construction and maintenance of the public roads of the State, constituting and comprising the system of State Highways of Texas, as designated by the State Highway Commission of Texas."

#### Committee Amendment No. 10.

Amend H. B. No. 2, page 8 of the original bill, by striking out all of line thirteen, and on line fourteen insert, before the letter "(a)," the word and figure "Section 7."

#### Committee Amendment No. 11.

Amend sub-division (h) of Section 6, by striking out all after the word "year" in third line from bottom of page 15, and inserting the following:

"Applied first to the payment and satisfaction of interest maturing on eligible obligations during the particular calendar and/or fiscal year, and this payment is to be made ratably upon the interest on eligible obligations of the various counties; and if there is more of said moneys available than necessary to pay all

of said interest, then such balance over the required interest payments for such year shall be distributed ratably to each issue of eligible obligations on the basis of the principal thereof maturing each year."

#### Committee Amendment No. 12.

Amend the Caption to H. B. No. 2, beginning on line 5 of the original bill, by striking out the words "to amend Article 7065a," and all of lines 6, 7, 8, 9, 10, 11 and 12.

#### Committee Amendment No. 13.

Amend Section 10 of H. B. No. 2 (the original bill), by adding after the word "Section" in the first line thereof, the following:

"or sub-section, paragraph, sentence, clause or phrase."

#### Committee Amendment No. 14.

Amend H. B. No. 2, Section 4, page 5, line 24, by adding after the word "prepared" and before the word "by" the following: "and paid for."

#### Committee Amendment No. 15.

Amend H. B. No. 2 by striking out of lines 7 and 8, page 14, the words and figures, to-wit:

"As set up in the first paragraph of page 6."

Committee Room,

Austin, Texas, Sept, 10, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred

H. B. No. 48, A bill to be entitled "An Act providing for the amount of bond required to be given by county tax collectors providing for the payment of premium on bonds for special district taxes; and providing for remittances of county and State taxes by county tax collectors, and special reports by tax collectors and county depositories to be furnished upon the request of the Comptroller or the commissioners' court as to funds in their hands and special remittances thereof to safe-guard funds in their hands and protect their bondsmen, providing penalties; providing this Act shall be cumulative of all other laws upon the same subject; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

MOORE, Chairman.

By Satterwhite. H. B. No. 48.

#### A BILL

##### To Be Entitled

An Act providing for the amount of bond required to be given by county tax collectors providing for the payment of premium on bonds for special district taxes; and providing for remittances of county and State taxes by county tax collectors, and special reports by tax collectors and county depositories to be furnished upon the request of the Comptroller or the commissioners' court as to funds in their hands and special remittances thereof to safeguard funds in their hands and protect their bondsmen, providing penalties; providing this Act shall be cumulative of all other laws upon the same subjects; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 7247 of the Revised Civil Statutes of 1925 be amended to read as follows:

Article 7247. Bond for State Taxes.—Each collector of taxes, within twenty (20) days after he shall have received notice of his election or appointment, and before entering upon the duties of his office, shall give bond based upon unincumbered real estate of the sureties, subject to execution, payable to the Governor and his successors in office, in a sum which shall be equal to ten per cent (10%) of the whole amount of the State tax of the county as shown by the last preceding assessment, provided said bond shall not exceed Fifty Thousand Dollars (\$50,000.00), with at least three (3) good and sufficient sureties, to be approved by the commissioners' court of his county, which shall be further subject to the approval of the Comptroller, and his official oath together with said bonds shall be recorded in the office of the county clerk of said county, and be forwarded by the county judge of the county to the Comptroller, to be deposited in his office. Said bond shall

be conditioned for the faithful performance of the duties of his office as collector of taxes for and during the full term for which he was elected or appointed. In the event the bonds required in this Article are executed by a satisfactory surety company or companies or by any private parties, as surety or sureties thereon in counties with a total taxable valuation of Thirty Million Dollars (\$30,000,000.00) or more, the county of which the principal in said bond or bonds is tax collector shall pay a reasonable amount as premium on said bond or bonds, which amount shall be paid out of the general revenue of the county upon presentation of the bill therefor to the commissioners' court of the county properly authenticated as required by law in other claims against the county. If there be any controversy as to the reasonableness of the amount claimed, as such premium, such controversy may be determined by any court of competent jurisdiction.

Whenever the tax collector of any county is required to give a separate bond to cover district taxes collected by him, such bond shall be approved by the governing board, or commission, of such districts, and the premium on same shall be paid out of first collections for such districts.

Sec. 2. That Article 7249 be amended to read as follows:

Article 7249. Bond for County Taxes.—Collectors of taxes shall give a like bond, with like conditions to the county judge of their respective counties and their successors in office in a sum not less than ten per cent (10%) of the whole amount of the county tax, as shown by the last preceding assessment, provided said bond shall not exceed Fifty Thousand Dollars (\$50,000.00), with at least three (3) good and sufficient sureties, to be approved by the commissioners' court of his county. A new bond and additional security may be required, and for failure to give such new bond or additional security, the collector of taxes may be removed from office in the manner prescribed by law. In the event the bonds required in this Article, are executed by a satisfactory surety company or companies or by any private party or parties as surety or sureties thereon in counties with a total taxable valuation of Thirty Million Dollars (\$30,000,000.00) or



more, the county of which the principal in said bond or bonds is tax collector shall pay a reasonable amount as premium on said bond or bonds, which amount shall be paid out of the general revenue of the county upon presentation of the bill therefor to the commissioners' court of the county properly authenticated as required by law in other claims against the county. If there be any controversy as to the reasonableness of the amount claimed, as such premium, such controversy may be determined by any court of competent jurisdiction.

Sec. 3. That a new article be added to the 1925 Revised Civil Statutes to be known as Article 7249A, to read as follows:

Article 7249a. Each county tax collector, whenever he shall have collected during any month for the county an amount equal to one-half ( $1/2$ ) of the amount of his county bond and for the State an amount equal to one-half ( $1/2$ ) of the amount of his State bond, shall immediately and at the same time pay over to the county treasurer ninety per cent (90%) of the total amount collected for the county, and pay over to the State Treasurer ninety per cent (90%) of the total amount collected for the State, provided that said payments shall not be required oftener than once a week but at least once each month, except as otherwise provided by this Act.

The commissioners' court of any county, or the Comptroller of Public Accounts, may at any time in their discretion call upon the tax collector for a sworn statement as to the amount of his collections made during the current month, and for an estimate as to the amount of taxes in the county depository belonging to the county or State, and direct that ninety per cent (90%) of those funds be transferred to the county or State Treasury. The commissioners' court or the Comptroller may at any time require a sworn statement from the depository as to the amount of funds in their hands under the control of the tax collector.

Failure or refusal of the tax collector to make the remittances as provided in this Act within three (3) days from the date he shall have collected for the State and county amounts equal to one-half ( $1/2$ ) of the respective bonds, or to render

the statement required herein, within three (3) days after receiving notice to do so, shall constitute a misdemeanor and shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00).

Sec. 3. This Act is cumulative of all other laws upon the same subject.

Sec. 4. The fact that recent losses suffered by surety companies on public officers, highway contractors, and gas tax bonds, has increased the premium upon such bonds to an extent which makes it prohibitive and almost impossible for a tax collector to make a surety company bond; and the further fact that by providing for frequent remittances of tax funds during the heavy collection period will protect State and county tax funds creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House, be, and the same is hereby suspended, and that this Act shall take effect and be in force on and after its passage, and be it so enacted.

#### TWELFTH DAY.

Senate Chamber,  
Austin, Texas,  
September 12, 1932.

The Senate met at 10 o'clock p. m. pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Berkeley.	Parrish.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.

#### Absent—Excused.

Cousins.	Patton.
Greer.	Pollard.
Hopkins.	Rawlings.
Martin.	Woodward.
Parr.	